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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Addendum

RECOMMENDATIONS OF THE EXPERT GROUP MEETING ON VICTIMS OF CRIME AND ABUSE OF POWER IN THE INTERNATIONAL SETTING

Summary

The Secretary-General has the honour to transmit to the Commission on Crime Prevention and Criminal Justice the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995, and convened by the Secretariat in pursuance of General Assembly resolution 48/228, approving the 1994-1995 Programme Budget. The report of the Meeting covering a summary of the discussion is contained in document E/CN.15/1996/CRP.1.

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RECOMMENDATIONS

The Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting adopted two recommendations, the first of which comprised a resolution and five annexes.

Recommendation 1. Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

The Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting,

Recalling the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, approved by consensus by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders and adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/57 of 24 May 1989, by which the Council recommended that the Secretary-General consider the preparation, publication and dissemination of a guide for criminal justice practitioners and others engaged in similar activities,

Noting that the Economic and Social Council, in its resolution 1990/22 of 24 May 1990, recognized the need for continuing efforts to give effect to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and to adapt it to meet the full range of needs and circumstances of different countries,

Bearing in mind the resolution of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the protection of the human rights of victims of crime and abuse of power, which called upon States to take into account the provisions of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in framing their national legislation and recommended that Governments should consider the availability of public and social support services for victims,[1]

Bearing in mind also the results of the Workshop on the Prevention of Victimization, Protection and Assistance for Victims, and Conflict Resolution, held at Oñate, Spain, from 13 to 16 May 1993, and the recommendations contained therein,

Recalling that the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders had on its agenda the topic "Crime prevention strategies, in particular as related to crime in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives", and that, in its resolution entitled "Recommendations on the four substantive topics of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders", the Ninth Congress expressed its concern about the plight of victims of crime and urged the full use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[2]

Recalling also Economic and Social Council resolution 1995/13 of 24 July 1995, in which the Council requested the Secretary-General to seek the views of Member States and relevant organizations on the advisability of preparing a manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

1. *Expresses its concern* that millions of people throughout the world suffer harm as a result of crime and the abuse of power and that in many countries the rights of these victims have not been adequately recognized;

2. *Recognizes* that the victims of crime and of abuse of power, and also frequently their families, witnesses and others who aid them, are unjustly subjected to loss, damage or injury and that they may, in addition, suffer hardship when assisting in the prosecution of offenders;

3. *Considers* that the adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power remains a landmark in international efforts to improve the treatment of victims;

4. *Believes* that wide-ranging measures, including the adoption of legislation, as necessary, need to be taken at the national and international levels to improve the access to justice and fair treatment, reparation, including restitution, compensation and satisfaction, and physical, medical and social assistance, to realize the promise held out by the Declaration;

5. *Maintains* that United Nations measures on behalf of victims should be comprehensive, multisectoral and interdisciplinary, and that these measures should be integrated and coordinated among the various agencies and relevant United Nations bodies and programmes;

6. *Maintains* also that interventions on behalf of victims should be based on the principle of complementarity of mandates, objectives and modes of operation of the various relevant United Nations bodies and programmes, as well as of the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and competent national and international governmental and non-governmental organizations;

7. *Considers* that during armed conflict, respect for the rights of victims as stipulated in relevant international laws, in particular in international humanitarian law, should be vigorously enforced and that universal adherence to the corresponding treaties and protocols should be promoted;

8. *Notes* with satisfaction the promising progress made by some Governments in this respect;

9. *Regrets*, nevertheless, that during more than a decade, the majority of victims across the world continued to suffer needlessly without adequate care and respect for their rights and needs;

10. *Adopts* the Integrated Plan of Action on Victims of Crime and Abuse of Power; the Model Project on the Establishment of Victim Services in the Context of Sustainable Development; the Promising Practices Resources; and the Scheme for International Crises Response Teams for Emergency Assistance, contained in annexes I-IV, respectively, to the present resolution;

11. *Approves* the overall approach contained in the general outline of a draft manual on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power contained in annex V to the present resolution;

12. *Recommends* that further work be undertaken to finalize the draft manual, including the preparation of a component suitable for training in work with victims of abuse of power and to ensure its widespread distribution in the six official languages of the United Nations;

13. *Recommends also* that the Commission on Crime Prevention and Criminal Justice consider, with a view to their adoption, the Integrated Plan of Action and other recommendations made by the Meeting.

Annex I

AN INTEGRATED PLAN OF ACTION ON VICTIMS OF CRIME AND ABUSE OF POWER

A. Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

1. Surveys of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and other relevant efforts for its implementation should permit a more accurate assessment of the advances made nationally and internationally, the results of which should serve, *inter alia*, as a basis for further policy development and action. These efforts should include:

(a) Assessing the progress made at the national level, as reflected in the Secretary-General's reports on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3 and E/AC.57/1990/3) and in the synthesis of the responses to the United Nations surveys of the implementation of the Declaration, a summary of which is submitted to the Commission on Crime Prevention and Criminal Justice;

(b) Assessing the progress made at the regional and international levels, including the efforts made by entities of the United Nations system and other relevant organizations, as called for in General Assembly resolution 40/34 adopting the Declaration;

(c) Identifying the obstacles encountered and ways of overcoming them;

(d) Action by the Commission on Crime Prevention and Criminal Justice, which would consider the balance-sheet and make relevant recommendations to correct the shortfalls, in pursuance of the mandates, such action to include:

(i) Wider dissemination and translation of the Declaration, with possible regional annotations;

(ii) Formulation of model legislation for the application of the Declaration at the national level, adaptable to different systems;

(iii) Finalization of the draft manual on the use and application of the Declaration, for circulation to Governments and other entities for comments and submission to the Commission for review and approval, with a view to its serving as a basis for technical assistance projects and wider dissemination;

(iv) Implementation of relevant recommendations for strengthened international action in this area, following the directions identified by the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting and drawing, *inter alia*, on the conclusions of relevant meetings, such as those of the Oñate Workshop on the Prevention of Victimization, Protection and Assistance for Victims, and Conflict Resolution.

B. Strengthening operational activities to improve the situation of victims by fostering the application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power training and other technical cooperation activities

1. Training

2. Training should be conducted, with special emphasis on:

(a) Developing training programmes using the manual on the use and application of the Declaration and core curricula for the treatment of victims;

(b) Appropriate training for all those working with victims, including law enforcement officials (e.g. dispatchers, patrol officers and investigators), prosecutors, judges and court administrators, correction officials, health professionals (e.g. physicians, nurses, and primary health care providers), mental health and social services (e.g. psychiatrists, psychologists, criminologists, victimologists, social workers and crisis intervenors), the media (e.g. reporters, editors and photographers), clergy and spiritual leaders, traditional healers, educators (e.g. teachers), emergency response personnel (e.g. ambulance drivers, emergency medical technicians, paramedics and fire personnel), military personnel (including peacekeepers), managers and administrators, such training to be conducted as follows:

(i) All volunteers working with victims should receive training as well. Volunteer organizations should ensure that their personnel receive appropriate training and care;

(ii) All those who work in an international context should be sensitized to cross-cultural practices, concerns and the particular conditions of their work, and also provided with care when exposed to situations involving the victimization of and trauma inflicted on the population they are mandated to protect and assist;

(iii) Training should address the following topics: the concerns and care of the victims in the aftermath of the victimization (attention should be given to populations at risk); the concerns and care of care-givers; the role of all professions and functioning of institutions involved in victims' care, coordinating multidisciplinary responses; addressing and responding to the practical conditions at the particular site (e.g. crime, abuse of power, war and other mass catastrophes); conflict resolution techniques and victimization prevention;

(iv) Individuals conducting the training, including the training of trainers, should have recognized expertise and experience in working with victims, as well as in working in a multidisciplinary context. Those training in the international setting should, in addition, have cross-cultural expertise;

(v) This training should be carried out in professional schools and universities, post-graduate studies, continuing education programmes, and by in-service and on-the-job training;

(vi) Training should also be given through seminars and courses: at the national level, with interested Governments; at the regional level, with United Nations institutes, affiliated institutes and other relevant entities (e.g. regional commissions and development banks); and at the international level, with the United Nations Development Programme (UNDP) and other United Nations entities and relevant organizations, to provide the necessary leadership and follow-up;

(vii) All training programmes should include an evaluation of their effectiveness and be continuously revised in the light of experience and new scientific findings.

2. Other technical cooperation activities

3. Other technical cooperation activities should include:

(a) The incorporation of victim-related provisions in criminal justice and other legislative reforms and constitutional provisions, as appropriate, to improve the status of the victim in the criminal process;

(b) The establishment of victims services as part of development aid, including the dissemination of the Model Project on the Establishment of Victim Services in the Context of Sustainable Development;

(c) Incorporation of victim assistance modules in advisory programmes of the Crime Prevention and the Criminal Justice Division including, as appropriate, the missions of its Interregional Advisors, as well as in those of other United Nations entities and cooperating institutes and organizations;

(d) In the context of crimes, human-made catastrophes and natural disasters, particularly those due to criminal negligence, provision of emergency assistance using interdisciplinary and international crisis-response teams, in order to assist local authorities address the situation and the needs and rights of the victims in pursuance of the Declaration;

(e) In the aftermath of armed conflict, of systematic abuses of power by Governments and other causes of widespread and grave victimization, such as the destruction of institutions of government and justice, the Crime Prevention and Criminal Justice Division and the interregional advisers should be equipped, in cooperation with other relevant agencies contributing to the process of reconstruction, to provide assistance in the restoration of the rule of law and recognition of the rights of victims, such as the right to reparation, including compensation;

(f) Provision of specialized assistance, in collaboration with, *inter alia*, the Office of Legal Affairs, Division for the Advancement of Women, Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the United Nations Development Programme (UNDP) and the World Health Organization (WHO), to victim groups (e.g. refugee and migrant victims of xenophobic violence, female and child victims of violence, abuse and exploitation, and victims of terrorism and organized crime);

(g) Provision of appropriate care to those involved in protecting and assisting populations exposed to situations of victimization of and infliction of trauma.

C. Research and information exchange

4. Activities in this regard should be enhanced by:

(a) Endorsing and encouraging the participation of Governments, intergovernmental and non-governmental organizations and other relevant agencies in contributing to supporting and using the Promising Practices Resource;

(b) Collaborating in the international victimization surveys and inclusion of select victimization data in the world crime surveys (with the United Nations Interregional Crime and Justice Research Institute et al). A global report on victimization, conflict resolution and victim assistance, drawing on official and unofficial sources, is suggested as a task for the International Scientific and Professional Advisory Council (ISPAC);

(c) Formulating guidelines for the media to protect victims and curtail further victimization in line with the recommendations of the workshop on mass media and crime prevention of the Ninth Congress;

(d) Improving public information and education to prevent and curtail victimization, especially by the preparation of a handbook for victims;

(e) Familiarity with existing knowledge and further evaluation of the efficacy of different kinds of treatment for victims and of preventive strategies, including evaluation components in technical assistance projects and pilot schemes.

D. Development of international means of recourse and redress where national channels may be insufficient

5. National remedies may be lacking or insufficient where there are multiple or conflicting jurisdictions, which may be the case in transnational crime. Under repressive regimes or in other cases where recourse for grievances and repatriation are lacking, supranational venues may be necessary, which would include the procedures established under the United Nations human rights programme and regional mechanisms (such as the human rights courts). The establishment of the international tribunals for the former Yugoslavia and Rwanda, and for the envisaged international criminal court, offer added prospects for the punishment of perpetrators and remedies for victims, if they are properly invoked. They can also help to remove demands for impunity from conflict resolution and negotiations. There have been repeated calls for the development of international means of recourse and reparation, by the Ninth Congress and the Oñate Workshop among others, as well as the Economic and Social Council in its resolution 1990/22. This is an area of mounting need and fruitful prospects, in which the United Nations crime prevention and criminal justice programme can play an important role.

6. The following action is recommended:

(a) Developing and applying monitoring procedures based on a permanent or ad hoc United Nations presence around the world to assess situations of escalating victimization, in collaboration with local and international non-governmental organizations, and to report thereon;

(b) Evaluating relevant provisions and procedures of international criminal, human rights and humanitarian law and codes to determine normative, institutional and technical gaps in the protection of victims and making recommendations (in collaboration, for example, with the Office of Legal Affairs, the Department of Peace-keeping Operations, the Department of Humanitarian Affairs, UNHCR, the Commission on Human Rights, UNICEF and the International Committee of the Red Cross);

(c) Developing new means of recourse in the United Nations framework; for example, the right of petition in cases of massive threats to the security of people, as proposed by the Commission on Global Governance; expansion of hotlines (such as that of the High Commissioner for Human Rights); establishment of an international human rights court; and the role of the Commission on Crime Prevention and Criminal Justice as focal point and guardian of the observance of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(d) Conducting a feasibility study on the establishment of an international fund for victims of crime, including transnational crime, in case of jurisdictional disputes or lack of national remedies, in accordance with the Eighth Congress resolution on the human rights of victims of crime and abuse of power);

(e) Promoting the inclusion of victim-related provisions in a statute for a proposed international criminal court.

E. Promoting an integrated United Nations system-wide approach to curtail victimization and protect/assist victims

7. The following steps should help to strengthen activities relevant to an integrated United Nations system-wide approach to curtail victimization and protect/assist victims, improve coordination and promote a concerted and more productive approach:

(a) Strengthening on-going arrangements and procedures to ensure joint planning, operational coordination and a more integrated approach to activities on behalf of victims and to achieve optimum results. Consideration should be given to the establishment of an inter-agency task force on victims, with the

participation of the Crime Prevention and Criminal Justice Division and other relevant entities to foster a more integrated approach and coordinated action;

(b) Identification of existing and prospective needs, of the tasks to be undertaken and of the division of responsibilities;

(c) Collaboration with the relevant entities on specific standard-setting activities in relation to victims (e.g. with the Centre for Human Rights on the proposed basic principles and guidelines with respect to the right to restitution, compensation and rehabilitation for victims of gross violations of human rights).

Annex II

MODEL PROJECT ON THE ESTABLISHMENT OF VICTIM SERVICES IN THE CONTEXT OF SUSTAINABLE DEVELOPMENT

A. Background and rationale

1. In many parts of the world, escalating criminality, particularly organized and violent crime, is impeding sustained development or development prospects, impairing the quality of life and creating a pervasive sense of insecurity. Such criminality and its concomitant victimization, especially in urban areas beset by such other serious problems as dwindling services unable to meet the needs of burgeoning populations, compound the instability and act as a deterrent to social peace and economic investment. In areas beset by conflicts, mass victimization takes place across generations. Children caught in armed conflict or otherwise living in difficult circumstances (e.g. street children) are frequent victims, sometimes conscripted into criminal activities at an added social cost. Confidence in the criminal justice system and its ability to protect the population wanes when victimization is frequent and remedies few, if any.

2. In the process of transition to more democratic systems and privatization of economic activities, especially where there is legal flux or a lag in developing the necessary provisions, crime has become a growth industry and violence a daily threat. The growing numbers of victims have little recourse and rarely any redress or assistance, which compounds their problems and is likely to have future negative consequences. Even where victim-oriented systems have been a mainstay of customary justice, they now often fail to make provision for victims, which is a situation prevalent in many systems and constitutes a denial of the basic tenets of justice, humanity and solidarity. Concerned about the situation and recognizing that good governance and a vital civil society call for remedial action, many countries seem eager to establish victim services and to improve the position of the victim in the criminal justice system. While this position will vary from country to country, certain common policy guidelines can nevertheless be utilized to respond to these needs. Such guidelines can serve as a basis for the formulation of one or more model projects (e.g. on the establishment of victim services) and the improvement of the position of the victim in the criminal process (e.g. by model legislation or reforms to be undertaken in the context of legislative reviews). Basic elements of one such model project, the Model Project on the Establishment of Victim Services in the Context of Sustainable Development, are described below.

B. Model project justification

3. The mandate for initiatives such as the Model Project on the Establishment of Victim Services in the Context of Sustainable Development is contained in General Assembly resolution 40/34, in which the Assembly, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan in 1985 adopted in Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. A review of the application of the Declaration at the national level has demonstrated the considerable efforts that have been made to implement its various provisions, but also some shortfalls, traceable to problems of resource constraints, and means of proceeding and means of meeting increasing victim needs. The globalization of crime has brought with it also the internationalization of victims and the movement on their behalf. The growing attention to the plight of victims and efforts to remedy their situation in some countries have found an echo elsewhere, as has advocacy for different victim groups. The need to develop victim services and to render United Nations assistance in this regard, expressed by a number of countries, justifies the undertaking of operational activities.

C. Development objective

4. A major objective of the Model Project is to reduce the human and material costs of criminality and victimization by assisting the victims of crime and abuse of power and seeking to prevent crime and

secondary victimization. Such assistance, by the provision of appropriate services, would serve to improve and rationalize existing efforts and to develop more effective ways of meeting the needs of victims as well as the exigencies of justice and fairness. By providing appropriate recourse and remedies for victims of crime and abuse of power and means for their rehabilitation, human lives can be reclaimed and used productively in pursuing sustainable development and a better quality of life for all.

D. Immediate objectives

5. The immediate objectives of the Model Project are as follows: to meet victim-related needs and to make available relevant services, responding to the number and kind of victim populations; to improve the status of personnel, and to propose a viable action plan based on the Model Project.

E. Activities

6. Assessment of the situation prevailing in the country should be undertaken:

(a) To identify the governmental institution where an assistance programme for victims of crime and abuse of power can most appropriately be placed. This implies either the existence of adequate facilities or the capacity to adapt certain facilities to provide basic physical and human resources for the programme;

(b) To identify political figures and formal or informal community leaders who can foster the political will to mobilize efforts benefitting victims;

(c) To design an operational system for coordination and collaboration among public and private institutions and non-governmental organizations able and willing to provide assistance to victims of crime and abuse of power;

(d) To assess the availability and capacity of governmental institutions and non-governmental organizations, and the health, psychosocial, legal, information and guidance services that they can provide to victims of crime and abuse of power, as well as to assess their training requirements and support facilities necessary to meet the needs of victims of crime and abuse of power;

7. The activities to be carried out in response to these efforts would include:

(a) Identification of a national focal point in the country, to be entrusted with the coordination of various victim services;

(b) Assessment of existing victim services, with a view to identifying their possible shortcomings;

(c) Organization of joint information and planning meetings, with a view to recommending appropriate policies and implementation strategies, including a review and possible revision of existing laws concerning victims in accordance with the Declaration and other internationally recognized principles of good practice.

8. The requisite physical and human resources needed for the project should be determined in cooperation with the professionals involved, including the police, justice officials, correctional personnel, psychologists, physicians, social workers, administrative personnel, victimologists, criminologists and voluntary organizations.

9. In order to be more responsive to the needs of victims and their families, efforts should be made:

(a) To ensure timely intervention, particularly to those who are most vulnerable and/or in a crisis situation, by providing the following services:

(i) Emergency help to meet the victim's immediate needs, including protection against retaliation by the offender;

(ii) Medical, psychological, social and material assistance;

(iii) Advice to prevent further victimization;

(iv) Information on the victim's rights;

(v) Assistance during the criminal process, with due respect to the prerogatives of the defence;

(vi) Assistance in obtaining effective reparation of the damage from the offender, payments from insurance companies or any other agency and, when possible, compensation by the State;

(b) To create, develop and provide support for the following:

(i) Services designed to provide assistance to victims generally;

(ii) Services for special categories of victims, such as children, and, when necessary, to victims of particular offences, such as rape, domestic violence, organized crime and violence based on sectarian hatred;

(c) To encourage voluntary aid, supported, as necessary, by professional help for training, specific services, administrative and technical support;

(d) To strengthen the contribution of general medical and social services, for example, by training their personnel to be responsive to the victims' needs;

(e) To inform the public, by adequate means, of the assistance available and facilitating access by victims to these services, including the referral of victims by the police to available services, and outreach to victims by such services, to the extent compatible with the protection of the victim's privacy;

(f) To take steps to prevent victim assistance services from disclosing personal information regarding victims to third parties without their consent;

(g) To promote coordination of victim assistance services operating on a public and private basis, as well as with agencies of the criminal justice system and other public services;

(h) To support the establishment of national organizations and mechanisms to advance the interests of victims;

(i) To evaluate the extent of insurance coverage by public or private insurance schemes for the various categories of criminal victimization and seek ways to make insurance more effective in relation to the needs of victims;

(j) To encourage experiments (whether on a national or local basis) in mediation between the offender and his victim and evaluate the results with particular reference to how far the interests of the victim are served;

(k) To make every effort to prevent crime, and hence victimization, both through socio-economic development and through appropriate situational prevention measures;

(l) To provide the public and victims with specific information and advice to prevent victimization or further victimization, while refraining from unduly exacerbating the feelings of fear and insecurity;

(m) To develop special policies to ascertain particularly vulnerable groups and prevent their victimization;

(n) To promote educational measures and other action for the prevention of victimization, and encourage groups with high victimization risk to take appropriate preventive measures in collaboration with local agencies and the police;

(o) To refer to data sources and the proposed databank on promising practices in order to inspire action and facilitate the implementation of all necessary measures for victim services and legislation;

(p) To review existing legislation with a view to ensuring its responsiveness to victims' needs;

(q) To monitor and evaluate, through research, provisions for victim assistance by public and private services;

(r) To evaluate the effectiveness of programmes aimed at preventing victimization of the population as a whole and/or of certain groups, and the efficacy of treatment programmes for different kinds of victims.

Annex III

PROMISING PRACTICES RESOURCE

A. Objective

1. The objective is to promote wider implementation of services and application of law and procedure on behalf of victims, establishing a data base on promising practices and legislation on victim-related issues. The availability and accessibility of these successful strategies would facilitate the exchange of information, inspire action and strengthen the networks of persons working on the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34.

B. Background

2. Promising practices provide models on how pressing and apparently complex problems can be alleviated. They constitute a knowledge base for effective action. They represent the latest solutions to common problems facing countries.

C. Practices to be included

3. The data base would include examples of laws, services, training curricula and manuals for practitioners. The promising practices would be identifiable by various key words.

4. Model laws and existing legislative provisions might include prototypes on the role and standing of the victim in criminal law and procedure, ways of encouraging reparation from the offender to the victim and State compensation for victims. Information on mediation, dispute resolution and reconciliation strategies and techniques would be made available, as well as on successful services for victims generally, and for specific types of victim, such as children, women, the aged, disabled or those subjected to particular types of violence, such as terrorism, torture or dangerous driving.

5. A directory of services available to victims would be listed by agency.

D. Information on promising practices

6. The core of the data base would consist of short descriptions of each promising practice that would include the aim, a programmatic summary, the results, any scientific evaluation, the contact person, the years of operation and additional sources of information. A key-word system would be used, so that users of the system could access projects of particular type or in a specified region of the world.

7. More extensive information might be available in reports held in different documentation centres. A newsletter or kits might also be prepared from time to time on issues of common interest.

8. Criteria would need to be established for the selection of the practices to be included. The overriding consideration is the extent to which the practices would promote the successful implementation of the principles of the Declaration of Basic Principle of Justice for Victims of Crime and Abuse of Power. They must have some viability or permanence and some relevance to problems faced by other jurisdictions.

E. Identification of relevant agencies

9. Many organizations concerned with crime victims already have national collections of promising practices. Some of these are in the form of standards, manuals that use examples or directories that highlight particular legislative or programme responses. It is important to get such organizations as the World Society of Victimology, the International Society for Criminology, the European Forum for Victim Services, the International Society for Traumatic Stress Studies and the International Socio-Medical Information Centre of the World Veterans Federation, as well as relevant United Nations organizations and programmes concerned with this issue, to contribute these materials in an agreed format.

10. International non-governmental organizations such as the World Society of Victimology and the International Society for Traumatic Stress Studies have bibliographies, materials and curricula that would be useful and they could encourage their members to provide additional examples of promising practices.

11. Reference and electronic conferencing services such as the United Nations Crime and Justice Information Network, the United Nations On-Line Crime and Justice Clearinghouse (UNOJUST), the World Criminal Justice Library Network and the Criminal Justice Reference Service of the United States National Institute of Justice include some examples of best practices.

12. The preparations for Habitat II have led to the development of considerable expertise in the creation of networks of information on promising practices in the urban setting.

13. The United Nations institutes and other affiliated centres have taken important initiatives in this respect and could continue to make valuable contributions. The International Centre for the Prevention of Crime (ICPC) could spearhead this initiative as part of its resource bureau on best crime prevention practices.

F. Identification of the users

14. The users of the best practice initiative would be those who contribute information and others who would like to establish effective ways of implementing the Declaration. These might be Governments, international and national associations concerned with victims, universities and other educational institutions, policy makers and government officials, legislators, parliamentarians, criminal justice personnel, criminologists, victimologists, psychiatrists, researchers and peacekeepers.

Annex IV

SCHEME FOR INTERNATIONAL CRISIS RESPONSE TEAMS FOR EMERGENCY ASSISTANCE

A. Context of intervention

1. The proposed Scheme for International Crisis Response Teams for Emergency Assistance could be used in situations of crisis and in cases of sudden collective victimization due to crimes involving numerous victims and requiring, because of their importance and impact, the development of a wide range of measures in order to deal with the various short- and long-term consequences for the victims.

2. Where armed conflict is ongoing and in situations of massive abuses of power, a different approach may be required.

B. Background and rationale

3. Even where assistance for ordinary crime victims exists, emergency situations and situations involving collective victimization require the capacity for an immediate and incisive mobilization of efforts, a professional quality of the activities undertaken, acceptance and cooperation from all the other services involved.

4. At present, problems arise in these circumstances, because there is:

(a) A lack of coordination between the different actors intervening;

(b) A need for sensitization of the professionals and para-professionals involved to the special problems encountered by victims and their families;

(c) A need for immediate assistance to victims and their families through a sustained, and coordinated response and proper follow-up;

(d) A lack of psycho-social support, which should be integrated into the action undertaken.

C. Objective

5. The purpose of the Scheme is (a) to be able to mobilize an international multidisciplinary team, which could quickly travel to its site in order to help local authorities address the situation and the needs and rights of the victims; (b) to offer them prompt assistance and; (c) to organize appropriate long-term support by the local authorities and any organizations working on the spot.

6. The team could be mobilized at the request or with the acceptance of Member States. Such requests could be made directly or channelled through the Crime Prevention and Criminal Justice Division of the United Nations.

D. Structure of the Scheme

7. The Division, together with the institutes in the United Nations crime prevention and criminal justice programme network and the interregional advisers could play a mobilization function by establishing and maintaining a list of international experts and of non-governmental organizations with practical experience in this field, ready to serve on such a team.

E. Method of intervention and organization

8. Immediately after the occurrence of an accident or crisis, a rapid assessment of the situation could be made to identify the nature and impact of the event, number and types of victim, and local possibilities for action, assistance and care, and to determine the way in which a rapid-response team could be organized to ensure appropriate action in order to cope with the situation and the needs of the victims.

9. The diagnosis would be made by the responsible authorities in liaison with the interregional advisers or representatives of the Crime Prevention Division.

10. On the basis of the assessment and according to the needs, an international expert or a multidisciplinary team of practitioners could be quickly sent to the site.

F. The mission

11. The mission would assist the national sectors involved at various levels:

(a) To ensure a safe environment for the victims;

(b) To facilitate as far as possible with the local authorities, the establishment of a crisis centre to deal with the victims as part of the rescue operations;

(c) To make a first evaluation of the needs and provide information and emergency assistance to the victims;

(d) To identify local services and groups in contact with the victims and mandated to offer short- and long-term assistance, such as doctors, police, social workers and groups of volunteers, and to organize for them a basic training programme to strengthen their capacity to cope directly with the problems of the victims and to raise the victim-sensitization;

(e) To set up a system to take care of the long-term needs of the victims, once the acute phase is over.

12. The mission would establish, if necessary, a mechanism to provide long-term support from abroad so that the local authorities would be able to ensure by themselves the continuation of the assistance to victims and to lay the basis for a permanent resource providing assistance to the victims.

G. Expected benefits

13. Further to the immediate benefits to the victims in reducing psychological trauma, secondary victimization, the negative impact on public opinion and the risk of crime and violence in the aftermath of the event, such a scheme should allow in countries where a system of ordinary victim assistance exists, for the improvement of the existing system, reinforcement of know-how and an increase in the efficiency of the operations. In countries where nothing exists, the scheme would stimulate the establishment of such a system, convince the authorities of its benefits and assist in doing so. Every effort should be made in this connection to draw on indigenous practices and traditions, especially in developing countries that may have a long-standing victim-centred approach in their customary justice system.

H. Financing

14. To guarantee rapid action by the international team, a financial reserve system is a necessary condition and should be set up. It could be constituted either by an allocation taken out of existing extrabudgetary trust funds or by new ad hoc extrabudgetary contributions. This financial reserve would permit the immediate

mobilization of the international team and should be replenished after each action by the Member States supporting the United Nations operations in the country affected. In the meantime, any national structure, having agreed to participate on the international team, should try to convince its own Government to financially support its participation in the international mechanism established for this purpose.

I. Implementation

15. A list of experts should be drawn up by the Crime Prevention and Criminal Justice Division in cooperation with the major organizations specialized in assistance to victims of crime and ready to mobilize their human resources.

16. The Crime Prevention and Criminal Justice Division should ensure that the work of the team is coordinated with other United Nations entities and non-governmental organizations as well as assisting in developing standards, a code of ethics, training materials and training sessions.

Annex V

OUTLINE OF A DRAFT MANUAL ON THE USE AND APPLICATION OF THE DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND ABUSE OF POWER

SECTION ONE. PHILOSOPHY, BACKGROUND AND EXTENT OF THE PROBLEM

Chapter I. Philosophy

The Manual should be a guide for implementing general victim assistance. It should outline the fundamentals of victim service programmes, how to establish them and the techniques for providing victim support. While such programmes and policies may be established voluntarily, legislative change may be necessary.

Chapter II. Background: significant international action addressing victims

A. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
B. Relevant resolutions; Siracusa and Oñate meetings
C. Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, Vienna 1995.

Chapter III. The extent of the problem

A. Statistics from international crime victimization surveys
B. Data on refugee populations and victims of war and conflict
C. Data on underreporting of victimization and multiple victimization.

SECTION TWO. VICTIM SERVICE PROGRAMMES

Chapter I. How to start a victim service programme

A. Defining the scope of a victim service programme
B. Programme planning: (a) assessment of existing victim needs and service in the jurisdiction; (b) defining programme parameters
C. Implementation of the programme: (a) implementation steps; (b) service availability; (c) use of information; (d) types of service; (e) guidelines for developing multidisciplinary approaches.

Chapter II. Standards of services

A. Crisis intervention services
B. Counselling and general advocacy services
C. Support services during the investigation of the crime
D. Support services during prosecution and trial
E. Support services after case disposition
F. Working with interdisciplinary professionals
G. Public education services
H. Victimization prevention services.

Chapter III. Trauma of victimization: nature and scope

A. Financial and property injury
B. Physical injury
C. Psychological trauma: (a) the crisis reaction; (b) long-term stress reactions
D. Secondary injuries from the criminal justice system and society.

Chapter IV. Crisis intervention

A. Safety and security: (a) identify and respond to emergency needs; (b) provide a safe place for victims
B. Ventilation and validation: (a) defusing and calming victims; (b) providing an opportunity for victims to tell their story; (c) reassuring victims that their reactions are not uncommon; (d) assisting victims in restructuring the crisis situation
C. Prediction and preparation: (a) predicting future problems in the aftermath of victimization; (b) problem solving; (c) conflict management
D. Protocols for crisis intervention, working: (a) immediately after a crisis; (b) with crisis in a repetitive process; (c) with victims in the midst of an ongoing traumatic event.

Chapter V. Counselling and advocacy: skills and techniques

A. Post-trauma counselling: (a) trauma-specific orientation; (b) partnership with victims; (c) normalization of crisis events and integration of the event into victims' life history; (d) restoration and construction of new routines and the equilibrium of the victim
B. Techniques for post-trauma counselling: (a) education; (b) re-establishing healthy habits; (c) constructing supportive social networks; (d) re-visiting the crisis event; (e) developing the crisis story
C. Advocacy techniques: (a) individual case advocacy in the criminal justice system; (b) using the justice system for redress; (c) obtaining reparations through compensation, restitution and private litigation; (d) using the legislative process for social and legal change.

Chapter VI. Victim participation in the criminal justice system

A. Protection from harm: (a) protection of the privacy of victims; (b) protection from intimidation and harassment; (c) special provisions to protect vulnerable victims
B. Victims involvement with decision-making: (a) opportunity to receive information; (b) provide information
C. Victims involvement in corrections: victims opportunity to participate in: (a) victim-offender dialogue; (b) victim-education classes; (c) victim-impact panels
D. Treatment of victims with respect and recognition.

Chapter VII. Victim reparations

A. State compensation: (a) effective outreach, training and communication; (b) expeditious and accurate claims processing; (c) good decision-making; (d) sound financial planning
B. Restitution by offenders to victims and the community: (a) assessment of victim loss; (b) effective documentation of victim loss; (c) presentation of restitution claims; (d) good decision-making; (e) effective enforcement and supervision; (f) training and communication
C. Reparations by other means: (a) dignified treatment by private insurance agencies; (b) access to civil legal process.

Chapter VIII. Public education techniques

A. Develop a public relations campaign
B. Special events planning and implementation
C. Communication tools: brochures, newsletters and other programme promotions
D. Strategies for media management.

Chapter IX. Victim assistance through victimization prevention

A. Crime prevention as a technique for preventing re-victimization
B. Victim assistance as a victimization prevention technique
C. Organization of victimization prevention community-wide task forces
D. Factors that reduce victimization
E. Strategies for victimization prevention
F. Victimization prevention educational curricula.

Chapter X. Care for the victim assistance professional

A. Education on the stress and burn-out associated with care giving
B. Effective strategies for dealing with the impact of victimization on them.

SECTION THREE. INTERDISCIPLINARY PROFESSIONALS' RESPONSIBILITY TO VICTIMS

Chapter I. Law enforcement and victim assistance

A. Programme strategies for law enforcement on victim assistance: (a) law enforcement personnel as a crisis intervenors; (b) programme within a law enforcement agency; (c) collaboration with victim services or other allied agencies; (d) victim assistance for law enforcement personnel
B. Protocols for law enforcement personnel working with victims and victim assistance; responsibilities of: (a) dispatchers; (b) patrol officers; (c) investigators; (d) supervisors.

Chapter II. Prosecutors and victim assistance

A. Programme strategies for prosecutors on victim assistance: (a) strategies for prosecutors to work with victim-assistance professionals; (b) victim-assistance programmes in offices of the prosecutors; (c) problem-oriented community prosecution; (d) the prosecutor as a victim-assistance professional
B. Protocols for prosecutors working with victims and victim assistance: (a) victim information and notification; (b) victim restitution; (c) involving the victim in decision-making; (d) staff victimization.

Chapter III. The judicial role in victim justice

A. Sample recommendations for the judiciary on victim rights
B. Guidelines for judges when addressing victims of crime
C. Protocols on staff victimization.

Chapter IV. Correctional personnel and victim assistance

A. Programme strategies for victim assistance in corrections: (a) victim awareness/sensitivity and assistance in probation and parole agencies; (b) victim education or impact programmes for offenders; (c) victim-offender dialogue programmes; (d) peer counselling and staff victimization
B. Protocols for correctional personnel working with victims and victim assistance: (a) victim information and notification; (b) victim involvement in decision-making; (c) victim-education programmes; (d) victim-impact programmes; (e) victim-offender dialogue programmes; (f) staff victimization.

Chapter V. Schools and universities and victim assistance

A. Curricula development on victim assistance and victimization prevention
B. Victim assistance and crisis response programmes for school personnel and students
C. Integration of victim rights into school and university administrative procedures.

Chapter VI. Medical professionals and victim assistance

A. Victim-assistance programmes in emergency rooms and trauma centres
B. Protocols for medical professionals for treatment, referrals and reporting
C. Peer counselling and victim assistance for medical professionals.

Chapter VII. Media professionals and victim assistance

A. Educational programmes for the media
B. Victim-sensitive media code of ethics
C. Promising media policies affecting the victims
D. Crisis and peer counselling programmes.

Chapter VIII. Mental health

A. Critical issues of victim assistance for mental health professionals
B. Victim assistance and mental health referral systems
C. Role of mental health in victim assistance.

Chapter XI. Clergy and spiritual leaders

A. Critical issues of victim assistance for clergy and spiritual leaders
B. Victim assistance through religious and spiritual institutions
C. Role of the clergy and spiritual leaders in victim assistance.

Chapter X. Professionals working with other agencies having effect on victims

A. Policies or protocols for landlords or housing agencies: (a) programmes for relocation; (b) policies for home repair; (c) policies or laws prohibiting victims eviction
B. Policies or protocols for private insurance agencies: (a) protocols assessing damage; (b) settlement of claims
C. Policies and protocols for employers: (a) prevention and response to workplace violence; (b) fair treatment of victims on job; (c) fair treatment in administrative proceedings.

SECTION FOUR. VICTIM RIGHTS; LEGISLATION AND POLICY

Evolution at the national level; legislation or policy changes.

Chapter I. Victim rights legislation in the state and federal systems

A. Description of the basis of victim rights such as the right: (a) to be protected from intimidation and harassment; (b) to be informed; (c) to counsel; (d) reparations; (e) property and employment; (f) due process; (g) to be treated with dignity and compassion

B. To track the statutory and case-law history of victim rights: (a) the general state of the law; (b) current bills of rights.

Chapter II. Movement towards constitutional change

SECTION FIVE. VICTIMS OF THE ABUSE OF POWER

(The Expert Group recommended that further work be undertaken to prepare this section and finalize the manual.)

Recommendation 2. Principles Guaranteeing the Rights and Interests of Victims in the Proceedings of the Proposed International Criminal Court

The Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting

Adopts the Principles Guaranteeing the Rights and Interests of Victims in the Proceedings of the Proposed International Criminal Court annexed to the present resolution and recommends that they should be reflected, as appropriate, in the statute and rules of procedure of the proposed International Criminal Court.

Annex

PRINCIPLES GUARANTEEING THE RIGHTS AND INTERESTS OF VICTIMS IN THE PROCEEDINGS OF THE PROPOSED INTERNATIONAL CRIMINAL COURT

1. Respect should be afforded to victims of the crimes adjudicated by the Court at all stages of the proceedings and by all offices involved (prosecutor, registrar, chambers, full court).

2. A special service should be established to ensure that these Principles are put into practice. The service should have appropriately qualified staff, with the specialization necessary to ensure treatment sensitive to the needs of different categories of victims, e.g. rape victims, children, aged persons, minority members and disabled persons.

3. Victims should be informed, in a language with which they are fully conversant, of their rights and role, as well as the scope, timing and progress of proceedings as they affect their interests.

4. The views and concerns of victims, including their right to reparation, should be presented and considered at appropriate stages of the proceedings, where their personal interests are affected.

5. Measures should be taken to avoid unnecessary inconvenience to victims, to protect their privacy and to ensure their protection, as well as that of their families and witnesses, against intimidation and retaliation, before, during and after the trial.

6. Proceedings should be conducted at no cost to the victims, with a view to avoiding infliction of a further burden upon them.

7. A compensation fund should be available to make awards to victims.

8. The Court should be empowered to award other forms of reparation and to offer satisfaction to victims.

9. All of the above must be so designed as to not adversely affect the rights of the defence to a trial whose fairness has to maintain the highest international standards.

Notes

[1] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.27.

[2] *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1), chap. I. The report will subsequently be issued as a United Nations sales publication.